

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05cr40011FDS

UNITED STATES OF AMERICA

v.

ANDRE ROSADO

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-60, 62-69, 71-78 & 80-82 are copies and can be destroyed after the appeal is complete.

and contained in Volume(s) 1 are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/15/07

In testimony whereof, I hereunto set my hand and affix the seal of this Court on 3/16/07

Sarah A Thornton, Clerk of Court

/s/ Sherry Jones

By: Sherry Jones

Deputy Clerk

Receipt of the documents in the above entitled
case is hereby acknowledged this date: _____.

Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

**RETURN TO: US DISTRICT COURT
595 MAIN STREET, SUITE 502
WORCESTER, MA 01608**

APPEAL

United States District Court
District of Massachusetts (Worcester)
CRIMINAL DOCKET FOR CASE #: 4:05-cr-40011-FDS-ALL

Case title: USA v. Rosado

Date Filed: 03/31/2005

Assigned to: Judge F. Dennis
Saylor, IV

Defendant

Andre Rosado (1)

TERMINATED: 03/15/2007
also known as
Dre (1)
TERMINATED: 03/15/2007

represented by **Edward L. Hayden**

7 Franklin Street
Lynn, MA 01902
781-599-1190
Fax: 781-598-1190
Email: hayden.law@verizon.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Stephen W. Wight

Law Offices of Stephen W. Wight

130 Parker Street

Unit 30

Lawrence, MA 01843

978-685-2400

Fax: 978-794-2096

Email: swwright@cs.com

TERMINATED: 11/07/2005

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

Disposition

The defendant is hereby
committed to the custody of the
U.S. Bureau of Prisons to be

21:841(a)(1) DISTRIBUTION OF COCAINE BASE; AIDING AND ABETTING
(1ss)

imprisoned for a term of 360 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. The defendant is hereby ordered to pay to the United States a special assessment of \$400.00.

21:841(A)(1) POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE
(2ss)

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 360 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. The defendant is hereby ordered to pay to the United States a special assessment of \$400.00.

18:924(C)(1) POSSESSING A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME
(3ss)

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 360 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. The defendant is hereby ordered to pay to the United States a special assessment of \$400.00.

18:922(G)(1) FELON IN POSSESSION OF A FIREARM
(4ss)

The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 360 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. The defendant is hereby ordered to pay to the United States a special assessment of \$400.00.

**Highest Offense Level
(Opening)**

Felony

Terminated Counts

Disposition

21:USC 841 (a)(1) Distribution of Cocaine Base; 18:USC 2 Aiding and Abetting
(1)

Dismissed

21:841(a)(1) DISTRIBUTION OF COCAINE BASE; U.S.C. 2 AIDING AND ABETTING
(1s)

Dismissed

21:841(A)(1) POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE.
(2s)

dismissed

18:924(C)(1) POSSESSING A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME.
(3s)

dismissed

18:922(G)(1) FELON IN POSSESSION OF A FIREARM.
(4s)

dismissed

**Highest Offense Level
(Terminated)**

Felony

Complaints

Disposition

None

Plaintiff

USA

represented by **John A. Wortmann, Jr.**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse

1 Courthouse Way
Boston, MA 02110
617-748-3207
Fax: 617-748-3963
Email: john.wortmann@usdoj.gov

TERMINATED: 05/23/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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LEAD ATTORNEY
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508-368-0100
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter K. Levitt
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
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617-748-3100

Fax: 617-748-3965
 Email: Peter.Levitt@usdoj.gov
TERMINATED: 10/06/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/2005	•1	MOTION to Seal Case as to Andre Rosadoby USA. (Roland, Lisa) (Entered: 04/01/2005)
03/31/2005	•	Judge Robert B. Collings : Electronic ORDER entered granting <u>1</u> Motion to Seal Case as to Andre Rosado (1). "ALLOWED, SO ORDERED." cc/cl (Roland, Lisa) (Entered: 04/01/2005)
03/31/2005	•2	SEALED INDICTMENT as to Andre Rosado (1) count 1 along with a Forfeiture Allegation. (Roland, Lisa) (Entered: 04/01/2005)
03/31/2005	•	Judge F. Dennis Saylor IV: Electronic ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood for all pre-trial matters as to Andre Rosado. (Roland, Lisa) (Entered: 04/01/2005)
04/07/2005	•3	MOTION to Unseal Case as to Andre Rosadoby USA. (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	•	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>3</u> Motion to Unseal Case as to Andre Rosado (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	•	Attorney update in case as to Andre Rosado. Attorney Edward L. Hayden for Andre Rosado added. (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	•	Arrest of Andre Rosado (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	•	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Initial Appearance as to Andre Rosado held on 4/7/2005. Case called, AUSA Hennessy & Defendant (without counsel) appear, Defendant informed of rights, charges and maximum penaltied, Defendant indicates that he can not afford counsel, The Court Orders Edward Hayden appointed cja, Government moves for detention, Case continued to Monday, April 11 @ 3:00 pm for Arraignment &

		Detention Hearing, Defendant remanded to the custody of the US Marshals. (3:08 P.) (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	④	Judge Charles B. Swartwood : ORDER OF TEMPORARY DETENTION as to Andre Rosado; Detention Hearing set for 4/11/2005 03:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	⑤	Judge Charles B. Swartwood : CJA 20 as to Andre Rosado: Appointment of Attorney Edward L. Hayden for Andre Rosado. (Roland, Lisa) (Entered: 04/08/2005)
04/07/2005	⑥	Arrest Warrant Returned Executed on 4/6/2005 as to Andre Rosado. (Roland, Lisa) (Entered: 04/08/2005)
04/11/2005	⑦	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Andre Rosado (1) Count 1 held on 4/11/2005, Detention Hearing as to Andre Rosado held on 4/11/2005, Case called, Counsel (Wortmann, Hayden), PTS Cuascut & Defendant appear, Defendant informed of rights, charges & maximum penalties, Not Guilty Plea entered by Defendant to Count 1, Scheduling Order issued, Government calls Danny F. Genese, Cross, Governments closing arguments, Matter taken under advisement, Defendant remanded to the custody of the US Marshals. (3:32 P.) (Roland, Lisa) (Entered: 04/12/2005)
04/11/2005	⑧	NOTICE OF HEARING as to Andre Rosado; Status Conference set for 5/23/2005 03:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 04/12/2005)
04/11/2005	⑨	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Andre Rosado; Time excluded from April 11, 2005 until April 25, 2005, cc/cl. (Roland, Lisa) (Entered: 04/12/2005)
04/11/2005	⑩	Judge Charles B. Swartwood : SCEDULING ORDER as to Andre Rosado, cc/cl. (Roland, Lisa) (Entered: 04/12/2005)
04/11/2005	⑪	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Andre Rosado, c/s. (Roland, Lisa) (Entered: 04/12/2005)
04/13/2005	⑫	Judge Charles B. Swartwood : ORDER OF DETENTION as to Andre Rosado, cc/cl. (Roland, Lisa) (Entered: 04/15/2005)
05/09/2005	⑬	NOTICE OF ATTORNEY APPEARANCE Peter K. Levitt

		appearing for USA. (Levitt, Peter) (Entered: 05/09/2005)
05/18/2005	•13	JOINT MEMORANDUM by USA as to Andre Rosado (Levitt, Peter) Modified on 5/19/2005 (Jones, Sherry). (Entered: 05/18/2005)
05/23/2005	•14	NOTICE OF ATTORNEY APPEARANCE: Stephen W. Wight appearing for Andre Rosado (Jones, Sherry) (Entered: 05/23/2005)
05/23/2005	•15	Judge Charles B. Swartwood : STATUS REPORT as to Andre Rosado; Status Conference set for 6/23/2005 02:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 05/23/2005)
05/23/2005	•16	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Andre Rosado; Time excluded from April 25, 2005 until June 22, 2005, cc/cl. (Roland, Lisa) (Entered: 05/23/2005)
05/23/2005	•	Attorney update in case as to Andre Rosado. Attorney Edward L. Hayden and John A. Wortmann, Jr terminated. (Roland, Lisa) (Entered: 05/23/2005)
06/09/2005	•17	Letter regarding Discovery as to Andre Rosado. (Jones, Sherry) (Entered: 06/09/2005)
06/23/2005	•	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Andre Rosado held on 6/23/2005. Case called, Counsel (Levitt, Wight) appear by telephone, Counsel request additional time, Case continued, Time to be excluded. (2:25 p.) (Roland, Lisa) (Entered: 06/23/2005)
06/24/2005	•18	Judge Charles B. Swartwood : STATUS REPORT as to Andre Rosado; Status Conference set for 7/27/2005 09:15 AM, IN BOSTON, Courtroom 16 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 06/24/2005)
06/24/2005	•19	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Andre Rosado; Time excluded from June 22, 2005 until July 27, 2005, cc/cl. (Roland, Lisa) (Entered: 06/24/2005)
07/27/2005	•	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Andre Rosado held on 7/27/2005. Case called, AUSA Levitt appears,

		Attorney Wight does not, Counsel requests additional time, Case continued, Time to be excluded. (2:17 P.) (Roland, Lisa) (Entered: 07/27/2005)
07/27/2005	•20	Judge Charles B. Swartwood : STATUS REPORT as to Andre Rosado; Status Conference set for 8/31/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 07/28/2005)
07/27/2005	•21	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Andre Rosado; Time excluded from July 27, 2005 until August 31, 2005, cc/cl. (Roland, Lisa) (Entered: 07/28/2005)
08/31/2005	•	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Andre Rosado held on 8/31/2005. Case called, Counsel (Levitt, Wight) appear by telephone, Counsel requests additional time, Oral motion to exclude time, Case continued, Status Report and Order of Excludable Delay to issue. (Digital Recorder 2:31 P.) (Roland, Lisa) (Entered: 09/08/2005)
09/14/2005	•22	Judge Charles B. Swartwood : ORDER entered. STATUS REPORT as to Andre Rosado Status Conference set for 9/30/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	•23	Judge Charles B. Swartwood : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Andre Rosado Time excluded from 8/31/05 until 9/30/05. (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
09/21/2005	•24	STATUS REPORT <i>Joint</i> by USA as to Andre Rosado (Levitt, Peter) (Entered: 09/21/2005)
09/22/2005	•25	JOINT SUBMISSION pursuant to Local Rule 116.5(C) as to Andre Rosado (Levitt, Peter) (Entered: 09/22/2005)
10/03/2005	•26	Judge Charles B. Swartwood : ORDER entered. STATUS REPORT as to Andre Rosado Status Conference set for 11/1/2005 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) (Entered: 10/06/2005)
10/03/2005	•27	Judge Charles B. Swartwood : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Andre Rosado Time excluded

		from 9/30/05 until 11/1/05. (cc/cl) (Jones, Sherry) (Entered: 10/06/2005)
10/06/2005	•28	Letter regarding an appointment of counsel as to Andre Rosado. (Jones, Sherry) (Entered: 10/06/2005)
11/01/2005	•29	MOTION to Withdraw as Attorney by Attorney Wight as to Andre Rosado. (Roland, Lisa) (Entered: 11/04/2005)
11/01/2005	•	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Motion Hearing as to Andre Rosado held on 11/1/2005 re 29 MOTION to Withdraw as Attorney by Attorney Wight filed by Andre Rosado. Case called, Attorney Wight & Defendant appear, Attorney Wight is allowed to withdraw, Edward Hayden to be re-appointed as CJA Counsel, Defendant remanded to the custody of the US Marshals. (Roland, Lisa) (Entered: 11/04/2005)
11/01/2005	•	Judge Charles B. Swartwood : ElectronicORDER entered granting 29 Motion to Withdraw as Attorney as to Andre Rosado (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 11/04/2005)
11/01/2005	•31	MOTION to Appoint Counsel as to Andre Rosado. (Roland, Lisa) (Entered: 11/07/2005)
11/01/2005	•	Judge Charles B. Swartwood : ElectronicORDER entered finding as moot 31 Motion to Appoint Counsel as to Andre Rosado (1)(Previously docketed as letter (# 28) "I am treating this letter as a motion and as such, I am MOOTING this request for successor counsel as I have, this day, allowed prior counsel's motion to withdraw and have appointed successor counsel." cc/cl (Roland, Lisa) (Entered: 11/07/2005)
11/02/2005	•32	Judge Charles B. Swartwood : STATUS REPORT as to Andre Rosado; Status Conference set for 12/2/2005 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/07/2005)
11/02/2005	•33	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Andre Rosado; Time excluded from November 1, 2005 until December 2, 2005, cc/cl. (Roland, Lisa) (Entered: 11/07/2005)
11/03/2005	•30	SUPERSEDING INDICTMENT as to Andre Rosado (1) count (s) 1s, 2s, 3s, 4s., WITH FORFEITURE ALLEGATION. (Jones, Sherry) (Entered: 11/07/2005)

11/04/2005	(•34)	Judge Charles B. Swartwood : CJA 20 as to Andre Rosado: Appointment of Attorney Edward L. Hayden for Andre Rosado. (Roland, Lisa) (Entered: 11/07/2005)
11/07/2005	•	Attorney update in case as to Andre Rosado. Attorney Stephen W. Wight terminated. (Roland, Lisa) (Entered: 11/07/2005)
11/08/2005	•	Docket sheet sent to Andre Rosado: (Jones, Sherry) (Entered: 11/08/2005)
11/08/2005	•	NOTICE OF HEARING as to Andre Rosado; Arraignment set for 11/10/2005 11:30 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 11/08/2005)
11/10/2005	•	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Andre Rosado (1) Count 1s,2s,3s,4s held on 11/10/2005. Case called, Counsel (Gallagher, Hayden) & Defendant appear, Defendant notified of rights, charges & maximum penalties, Not Guilty Plea entered by Andre Rosado on counts 1-4, Defense counsel handed previously issued status report, Defendant previously detained and remanded to the custody of the US Marshals. (Digital Recording 12:45 p.) (Roland, Lisa) (Entered: 11/10/2005)
11/17/2005	(•35)	MOTION for Authorization of Services or Funds as to Andre Rosado. (Hayden, Edward) (Entered: 11/17/2005)
11/23/2005	•	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>35</u> Motion for Authorization of Services or Funds as to Andre Rosado (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 11/23/2005)
12/05/2005	•	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Andre Rosado held on 12/5/2005. Case called, Counsel (Levitt, Hayden) appear by telephone, Counsel request additional time, Oral motion to exclude time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 2:38 A.) (Roland, Lisa) (Entered: 12/05/2005)
12/05/2005	•	Oral MOTION for Excludable Delay as to Andre Rosado by USA. (Roland, Lisa) (Entered: 12/05/2005)
12/05/2005	(•36)	Judge Charles B. Swartwood : STATUS REPORT as to Andre Rosado; Status Conference set for 1/30/2006 03:00 PM in

		Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 12/13/2005)
12/05/2005	(37)	Judge Charles B. Swartwood : ORDER of Excludable Time as to Andre Rosado (1). Time excluded from December 2, 2005 through January 30, 2006, cc/cl. (Roland, Lisa) (Entered: 12/13/2005)
01/10/2006	(38)	MOTION for Authorization of Services or Funds as to Andre Rosado. (Hayden, Edward) (Entered: 01/10/2006)
01/13/2006	(39)	Judge Charles B. Swartwood : Electronic ORDER entered granting <u>38</u> Motion for Authorization of Services or Funds as to Andre Rosado (1). "ALLOWED." cc/cl (Roland, Lisa) (Entered: 01/13/2006)
01/30/2006	(40)	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood : Status Conference as to Andre Rosado held on 1/30/2006. Case called, Counsel (Hennessy, Hayden-by telephone) appear, Counsel request additional time, Oral Motion to exclude time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 3:59 p.) (Roland, Lisa) (Entered: 01/31/2006)
01/30/2006	(41)	Oral MOTION for Excludable Delay as to Andre Rosado by USA. (Roland, Lisa) (Entered: 01/31/2006)
01/30/2006	(42)	Judge Charles B. Swartwood : STATUS REPORT as to Andre Rosado; Status Conference set for 3/8/2006 02:30 PM in Courtroom 1 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 01/31/2006)
01/30/2006	(43)	Judge Charles B. Swartwood : ORDER of Excludable Time as to Andre Rosado (1). Time excluded from January 30, 2006 through March 8, 2006, cc/cl. (Roland, Lisa) (Entered: 01/31/2006)
02/21/2006	(44)	Case as to Andre Rosado assigned to Judge Timothy S. Hillman. Judge Charles B. Swartwood no longer assigned to the case. (Hassett, Kathy) Additional attachment(s) added on 3/3/2006 (Hassett, Kathy). (Entered: 02/21/2006)
03/15/2006	(45)	Judge Timothy S. Hillman : ORDER entered. STATUS REPORT as to Andre Rosado Status Conference set for 4/13/2006 09:30 AM in Courtroom 16 IN BOSTON before Magistrate Judge Timothy S. Hillman. (cc/cl) (Jones, Sherry) (Entered: 03/20/2006)

03/15/2006	•	Oral MOTION for Excludable Delay as to Andre Rosado. (Jones, Sherry) (Entered: 03/20/2006)
03/15/2006	• 43	Judge Timothy S. Hillman : ORDER OF Excludable Time as to Andre Rosado (1). Time excluded from March 8, 2006 through April 13, 2006, cc/cl. (Jones, Sherry) (Entered: 03/20/2006)
04/03/2006	•	NOTICE OF RESCHEDULING as to Andre Rosado; Status Conference set for 4/13/2006, rescheduled from 9:30 am to 10:00 AM IN BOSTON, Courtroom 16 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 04/03/2006)
04/07/2006	• 44	NOTICE OF ATTORNEY APPEARANCE Leah B. Foley appearing for USA. (Foley, Leah) (Entered: 04/07/2006)
04/13/2006	•	ElectronicClerk's Notes for proceedings held before Judge Timothy S. Hillman :Status Conference as to Andre Rosado held on 4/13/2006. Case called, Counsel (Foley, Hayden-by telephone) appear, Counsel request that case be sent back to the District Judge, Final Status Report to issue. (Digital Recording 9:32 A.) (Roland, Lisa) (Entered: 04/18/2006)
04/19/2006	• 45	Judge Timothy S. Hillman : ORDER entered. FINAL STATUS REPORT as to Andre Rosado. (cc/cl) (Jones, Sherry) (Entered: 04/20/2006)
04/19/2006	•	Case as to Andre Rosado no longer referred to Magistrate Judge Timothy S. Hillman. (Jones, Sherry) (Entered: 04/20/2006)
05/04/2006	•	ELECTRONIC NOTICE OF HEARING as to Andre Rosado: Status Conference set for Monday 5/22/2006 at 3:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/04/2006)
05/04/2006	•	ELECTRONIC NOTICE OF RESCHEDULING as to Andre Rosado: Status Conference reset for Friday 5/19/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/04/2006)
05/18/2006	•	Reset Hearing (TIME ONLY) as to Andre Rosado: Status Conference TIME reset for 2:30PM on Friday 5/19/06 in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/18/2006)

05/19/2006	•	ELECTRONIC NOTICE OF RESCHEDULING Reset Hearings as to Andre Rosado: Change of Plea Hearing/status conference reset for Wednesday 5/24/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 05/19/2006)
05/24/2006	•	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Status Conference as to Andre Rosado held on 5/24/2006, Case called, Counsel and dft appear for status conference, Parties inform Court that case is ready for trial, Court sets trial date, pretrial conference date, and all pretrial filing dates as follows: Jury Trial set for Monday 8/7/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for Wednesday 8/2/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. In limine motions due by 7/26/06, Responses due 7/31/06, Proposed voir dire questions, Proposed jury instructions, Proposed verdict form, witness/exhibit lists and any trial briefs all due on 7/26/06, Court excludes time between 5/24/06 and 8/2/06 under the speedy trial act, Order to issue.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 05/24/2006)
06/09/2006	• 46	MOTION to Continue as to Andre Rosado. (Hayden, Edward) (Entered: 06/09/2006)
06/09/2006	•	Judge F. Dennis Saylor IV: Electronic ORDER entered granting 46 Motion to Continue as to Andre Rosado (1). Jury Trial reset for 9/18/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference reset for 9/13/2006 at 3:30PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 06/09/2006)
06/22/2006	• 47	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Andre Rosado Time excluded from 5/24/06 until 8/2/06. (Castles, Martin) (Entered: 06/23/2006)
06/22/2006	• 48	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Andre Rosado Time excluded from 8/2/06 until 9/13/06. (Castles, Martin) (Entered: 06/23/2006)
08/28/2006	• 49	MOTION in Limine as to Andre Rosado. (Hayden, Edward) Additional attachment(s) added on 8/29/2006 (Jones, Sherry). (Entered: 08/28/2006)

08/29/2006	•	Notice of correction to docket made by Court staff. Correction: document #49 corrected because: counsel filed three motions, only one motion should have been filed, counsel will refile the other two. as to Andre Rosado (Jones, Sherry) (Entered: 08/29/2006)
08/29/2006	• 50	MOTION in Limine <i>firearm</i> as to Andre Rosado. (Hayden, Edward) Additional attachment(s) added on 8/30/2006 (Hassett, Kathy). (Entered: 08/29/2006)
08/29/2006	• 51	MOTION in Limine <i>police familiarity</i> as to Andre Rosado. (Hayden, Edward) Additional attachment(s) added on 8/30/2006 (Hassett, Kathy). (Entered: 08/29/2006)
09/01/2006	• 52	WITNESS LIST by USA as to Andre Rosado (Foley, Leah) Modified on 9/5/2006 (Jones, Sherry). (Entered: 09/01/2006)
09/01/2006	• 53	EXHIBIT LIST by USA as to Andre Rosado (Foley, Leah) Modified on 9/5/2006 (Jones, Sherry). (Entered: 09/01/2006)
09/07/2006	• 54	MOTION in Limine <i>re photograph</i> as to Andre Rosado. (Hayden, Edward) (Entered: 09/07/2006)
09/11/2006	• 55	MOTION in Limine <i>re dea/mobile enforcement team</i> as to Andre Rosado. (Hayden, Edward) (Entered: 09/11/2006)
09/11/2006	• 56	Letter regarding trial as to Andre Rosado. (Jones, Sherry) (Entered: 09/11/2006)
09/11/2006	• 57	WITNESS LIST by USA as to Andre Rosado (Foley, Leah) Modified on 9/12/2006 (Jones, Sherry). (Entered: 09/11/2006)
09/11/2006	• 58	EXHIBIT LIST by USA as to Andre Rosado (Foley, Leah) Modified on 9/12/2006 (Jones, Sherry). (Entered: 09/11/2006)
09/12/2006	• 59	RESPONSE to Motion by USA as to Andre Rosado re 49 MOTION in Limine, 55 MOTION in Limine <i>re dea/mobile enforcement team</i> , 50 MOTION in Limine <i>firearm</i> , 51 MOTION in Limine <i>police familiarity</i> (Foley, Leah) (Entered: 09/12/2006)
09/13/2006	• 61	SEALED MOTION as to Andre Rosado. (Castles, Martin) (Entered: 09/14/2006)
09/13/2006	•	Judge F. Dennis Saylor IV: Electronic ORDER entered granting 61 Sealed Motion as to Andre Rosado (1). (Castles, Martin) (Entered: 09/14/2006)

09/13/2006		ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Pretrial Conference as to Andre Rosado held on 9/13/2006, Case called, Counsel and dft appear for pretrial conference, Court and parties discuss dft's letter request for a new attorney, Govt excused from the courtroom and Court discusses issue with dft and attorney Hayden ex-parte, Dft withdraws request and informs Court that he wishes to retain attorney Hayden, Govt attorney's return to courtroom and parties discuss upcoming trial, Dft informs Court of some witness issues, Parties and Court agree to continue trial to allow dft to work witness problems out, Court hears arguments on pending motions in limine and puts rulings on the record, Court sets new trial date and pretrial date, Court will exclude time between 9/13/06 and 10/16/06 under the Speedy Trial Act, Order to issue, Jury Trial reset for 10/16/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference set for 10/10/2006 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. Dft remanded to the custody of the U.S. Marshal.(Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 09/14/2006)
09/13/2006	•	Judge F. Dennis Saylor IV: Electronic ORDER entered in open courtdenying <u>49</u> Motion in Limine as to Andre Rosado (1); denying <u>50</u> Motion in Limine as to Andre Rosado (1); denying <u>51</u> Motion in Limine as to Andre Rosado (1); denying <u>54</u> Motion in Limine as to Andre Rosado (1); granting in part and denying in part <u>55</u> Motion in Limine as to Andre Rosado (1); denying <u>60</u> Motion in Limine as to Andre Rosado (1). (Castles, Martin) (Entered: 09/14/2006)
09/14/2006	• <u>60</u>	MOTION in Limine <i>re rmv records</i> as to Andre Rosado. (Hayden, Edward) (Entered: 09/14/2006)
09/15/2006	• <u>62</u>	Judge F. Dennis Saylor IV: ORDER entered. ORDER ON EXCLUDABLE DELAY as to Andre Rosado Time excluded from 9/13/06 until 10/16/06. (Castles, Martin) Modified on 9/15/2006 (Castles, Martin). (Entered: 09/15/2006)
09/27/2006	• <u>63</u>	SECOND SUPERSEDING INDICTMENT as to Andre Rosado (1) count(s) 1ss, 2ss, 3ss, 4ss., with forfeiture allegation. (Attachments: # <u>1</u> criminal cover sheets JS-45) (Jones, Sherry) (Entered: 09/28/2006)
09/28/2006	•	Judge F. Dennis Saylor IV: ORDER entered. ORDER REFERRING CASE to Magistrate Judge Timothy S. Hillman

		Reason for referral: pretrial as to Andre Rosado. (Jones, Sherry) (Entered: 09/29/2006)
10/06/2006	•	Attorney update in case as to Andre Rosado. Attorney Paul G. Casey for USA added. Attorney Peter K. Levitt terminated. (Castles, Martin) (Entered: 10/06/2006)
10/06/2006	•	NOTICE Rescheduling trial and pretrial conference dates as to Andre Rosado: Jury Trial reset for Monday 11/13/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. Pretrial Conference reset for Monday 11/6/2006 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 10/06/2006)
10/25/2006	•	ELECTRONIC NOTICE OF HEARING as to Andre Rosado; Arraignment set for 11/6/2006 09:45 AM in Courtroom 1 before Magistrate Judge Timothy S. Hillman, cc/cl. (Roland, Lisa) (Entered: 10/25/2006)
11/03/2006	•64	EXHIBIT/WITNESS LIST by USA as to Andre Rosado (Foley, Leah) (Entered: 11/03/2006)
11/06/2006	•	Electronic Clerk's Notes for proceedings held before Judge Timothy S. Hillman :Arraignment as to Andre Rosado (1) Count 1ss,2ss,3ss,4ss held on 11/6/2006, Case called, Counsel (Casey, Hayden) & Defendant appear, Defendant notified of rights, charges & maximum penalties, Not Guilty Plea entered by Andre Rosado on counts 1-4, Defendant previously detained, and remanded to the custody of the US Marshals, Case to be returned to the District Judge. (Digital Recording 11:28 a.) (Roland, Lisa) (Entered: 11/06/2006)
11/06/2006	•	Case as to Andre Rosado no longer referred to Magistrate Judge Timothy S. Hillman. (Roland, Lisa) (Entered: 11/06/2006)
11/06/2006	•	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV:Final Pretrial Conference as to Andre Rosado held on 11/6/2006, Case called, Counsel appear for final pretrial conference, Parties inform court that they are now ready for trial set for 11/13/06, Court and parties discuss preliminary trial matters, Jury Trial to proceed on 11/13/06. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/06/2006)
11/09/2006	•65	Proposed Jury Instructions by USA as to Andre Rosado

		(Foley, Leah) (Entered: 11/09/2006)
11/09/2006	•66	Proposed Jury Instructions by USA as to Andre Rosado (Foley, Leah) (Entered: 11/09/2006)
11/10/2006	•67	Proposed Jury Instructions by USA as to Andre Rosado (Casey, Paul) (Entered: 11/10/2006)
11/10/2006	•68	Proposed Jury Instructions by USA as to Andre Rosado (Casey, Paul) (Entered: 11/10/2006)
11/13/2006	•69	MOTION in Limine as to Andre Rosado. (Hassett, Kathy) (Entered: 11/13/2006)
11/13/2006	•70	SEALED MOTION as to Andre Rosado. (Hassett, Kathy) (Entered: 11/13/2006)
11/13/2006	•	*SEALED* Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>70</u> Sealed Motion as to Andre Rosado (1) (Hassett, Kathy) (Entered: 11/13/2006)
11/13/2006	•	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Voir Dire begun on 11/13/2006 Andre Rosado (1) on Count 1ss,2ss,3ss,4ss, Jury Selection as to Andre Rosado held on 11/13/2006, Case called, Counsel and dft appear for jury trial day 1, Court holds voir dire of juror panel, Court holds jury selection, 14 jurors are empaneled, Jurors excused after empanelment, Jury Trial continued to Tuesday 11/14/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/13/2006)
11/14/2006	•	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Jury Trial as to Andre Rosado held on 11/14/2006, Case called, Counsel and dft appear for Jury trial day 2, Opening statements of Govt and dft given, Govt's case commences with testimony of SA David DiTullio, Jury Trial continued to Wednesday 11/15/2006 at 9:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/14/2006)
11/15/2006	•	ElectronicClerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Jury Trial as to Andre Rosado held on 11/15/2006, Case called, Counsel and dft appear for jury trial day 3, Govt's case continues with testimony of witnesses, Court holds Charge conference with counsel after jurors are excused, Jury Trial continued to 11/16/2006 at 9:00AM in

		Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) Modified on 11/16/2006 (Castles, Martin). (Entered: 11/15/2006)
11/16/2006	•	Judge F. Dennis Saylor IV: Electronic ORDER entered after close of evidencefinding as moot <u>69</u> Motion in Limine as to Andre Rosado (1). (Castles, Martin) (Entered: 11/16/2006)
11/16/2006	•	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Jury Trial as to Andre Rosado held on 11/16/2006, Case called, Counsel and dft appear for jury trial day 4, Govt's case continues, Govt. rests, Dft rests without putting forth case, Closing arguments of govt and dft given, Govt rebuttal given, Court charges jury, Jury deliberations commence at 12:00pm, Court answers jury question on the record at 2:15pm, Jury returns verdict of GUILTY on all counts (1-4) at 2:45pm, Court excuses jury from service, Court sets sentencing as follows: Sentencing set for Wednesday 2/14/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 11/16/2006)
11/16/2006	• <u>71</u>	WITNESS LIST by Andre Rosado (Hassett, Kathy) (Entered: 11/16/2006)
11/16/2006	• <u>72</u>	EXHIBIT LIST by Andre Rosado (Hassett, Kathy) (Entered: 11/16/2006)
11/16/2006	• <u>73</u>	Jury Instructions as to Andre Rosado (Hassett, Kathy) (Entered: 11/16/2006)
11/16/2006	• <u>74</u>	JURY VERDICT as to Andre Rosado (1) Guilty on Count 1ss,2ss,3ss,4ss. (Hassett, Kathy) Additional attachment(s) added on 11/16/2006 (Hassett, Kathy). (Entered: 11/16/2006)
11/16/2006	• <u>75</u>	Judge F. Dennis Saylor IV: ORDER entered. PROCEDURAL ORDER re: sentencing hearing as to Andre Rosado. Sentencing set for 2/14/2007 at 2:00PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 11/16/2006)
11/27/2006	• <u>76</u>	MOTION for Authorization of Services or Funds as to Andre Rosado. (Hayden, Edward) (Entered: 11/27/2006)
11/29/2006	•	Judge F. Dennis Saylor IV: Electronic ORDER entered granting <u>76</u> Motion for Authorization of Services or Funds as to Andre Rosado (1). (Castles, Martin) (Entered: 11/29/2006)

01/19/2007	(•77)	MOTION to Continue as to Andre Rosado. (Hayden, Edward) (Entered: 01/19/2007)
01/22/2007	(•)	Judge F. Dennis Saylor IV: Electronic ORDER entered granting 77 Motion to extend deadline as to Andre Rosado (1). (Castles, Martin) (Entered: 01/22/2007)
01/26/2007	(•78)	SENTENCING MEMORANDUM by Andre Rosado (Hayden, Edward) (Entered: 01/26/2007)
02/20/2007	(•)	ELECTRONIC NOTICE OF RESCHEDULING HEARING as to Andre Rosado. Sentencing reset for Friday 3/9/2007 at 10:00AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Castles, Martin) (Entered: 02/20/2007)
03/09/2007	(•79)	Sealed Document (Ex-Parte motion for funds) (Castles, Martin) (Entered: 03/09/2007)
03/09/2007	(•)	Judge F. Dennis Saylor IV: ELECTRONIC ENDORSEMENT as to Andre Rosado re 79 Sealed Document. Motion for funds GRANTED. (Castles, Martin) (Entered: 03/09/2007)
03/09/2007	(•)	Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor IV: Sentencing held on 3/9/2007 for Andre Rosado (1), Count(s) 1ss, 2ss, 3ss, 4ss, Case called, Counsel and dft appear for sentencing, The Court sentences the dft as follows: The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 360 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. The defendant is hereby ordered to pay to the United States a special assessment of \$400.00. The dft is remanded to the custody of the U.S. Marshal. (Court Reporter M. Kusa-Ryll.) (Castles, Martin) (Entered: 03/09/2007)
03/15/2007	(•80)	MOTION for Leave to Appeal In Forma Pauperis as to Andre Rosado. (Jones, Sherry) (Entered: 03/15/2007)
03/15/2007	(•81)	NOTICE OF APPEAL of Final Judgment by Andre Rosado NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/4/2007. (Jones, Sherry) (Entered: 03/15/2007)
03/15/2007	(•)	Judge F. Dennis Saylor IV: Electronic ORDER entered

		granting <u>80</u> Motion for Leave to Appeal In Forma Pauperis as to Andre Rosado (1). (Castles, Martin) (Entered: 03/15/2007)
03/15/2007	•82	Judge F. Dennis Saylor IV: ORDER entered. JUDGMENT as to Andre Rosado (1), Count(s) 1ss, 2ss, 3ss, 4ss, The defendant is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 360 months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of 8 years. The defendant is hereby ordered to pay to the United States a special assessment of \$400.00. (Castles, Martin) (Entered: 03/15/2007)
03/15/2007	•	Judge F. Dennis Saylor IV: Electronic ORDER entered. DISMISSAL OF COUNTS as to Andre Rosado. Counts in underlying indictments are dismissed: (Castles, Martin) (Entered: 03/15/2007)